

## **POLICY 1**

### **ADMISSION OF LOCAL EDUCATION AGENCIES TO THE SONOMA COUNTY SELPA**

*Adopted by Superintendents' Council 10/2/00*

*Revised 4/2/01*

## SONOMA COUNTY SELPA

### ADMISSION OF LOCAL EDUCATION AGENCIES TO THE SONOMA COUNTY SELPA

Any public school district or county office of education, hereinafter referred to as a local education agency (LEA), located in an area contiguous to Sonoma County, or any charter school already deemed to be an LEA, may apply to the SELPA Superintendents' Council to become a member of the SELPA. Application must be made to the SELPA on or before February 1 of the school year preceding the school year in which the LEA anticipates operating as a member within the SELPA. LEA member status will not become effective prior to July 1 of the year in which final approval was granted. Once granted membership, the LEA will participate in the governance of the SELPA in the same manner as all other LEA members in the SELPA.

The applicant LEA will be deemed a member of the SELPA if the Superintendents' Council determines that the LEA has met all requirements to be included as a member LEA as specified in this policy and the Local Plan. The applicant LEA will meet all other requirements, if any, from the California Department of Education and the current SELPA to which the LEA belongs.

The SELPA requirements include an agreement to:

- Provide assurances that all eligible individuals with disabilities (ages birth to 22) shall have access to appropriate special education programs and services
- Provide assurances of its knowledge and understanding of applicable special education laws
- Provide assurances that each certificated employee is appropriately credentialed to serve in his/her assignment
- Provide necessary staff as required to meet federal mandates
- Follow all requirements of the SELPA Local Plan
- Utilize SELPA approved forms
- Provide transportation as indicated in the student's IEP
- Provide assurances that the LEA understands its sole legal and financial responsibility to provide appropriate services to eligible students, and that the LEA shall not seek defense or indemnification from the SELPA or SELPA

members unless liability is the result of acts or omissions of other agencies, their agents or employees, while performing services under an agreement

To initiate an application, the interested LEA must submit a letter of intent to the Sonoma County SELPA Director. Included in that letter or by way of attachment, the applicant must provide the following information:

- Specify the current services and those reasonably anticipated to be provided by or through the applicant's IEPs
- Specify the amount of excess costs associated with special education if any for the applicant over the immediate past three year period
- Specify the reason for the application
- Identify what if any services or support systems the applicant will need from the Sonoma County SELPA and or neighboring school districts

The Sonoma County SELPA Director may review budget documents or any other related public records of the applicant in conjunction with this application. Upon conclusion of this review, the Director shall submit his/her recommendations regarding the application to the respective committees for consideration of a final recommendation to the Superintendents' Council.

Once deemed a member of the SELPA, a LEA shall:

- Participate in the governance of the SELPA in the same manner as all other LEAs in the SELPA
- Contribute to, participate in, and receive the benefits of reimbursement from all SELPA fiscal pools, and participate in any chargebacks in the same manner as other members
- Receive state and federal funding for special education in accordance with the SELPA Special Education Funding Allocation Plan
- Be responsible for all costs incurred in the provision of special education services to students enrolled in the LEA. These costs may include, but are not limited to, instruction, related services, transportation, nonpublic school/agency placements, inter/intra SELPA placements, due process proceedings, complaints, and attorney fees
- Document that all state and federal special education funds apportioned to the LEA are used for the sole purpose of providing special education instruction and/or services to identified students with disabilities

Membership may be initially granted for a period not to exceed five years and may be granted one or more renewals by the Superintendents' Council. Each renewal shall be for a period of five years.

Membership may be revoked by the Superintendents' Council if it finds that the LEA did any of the following:

- Committed a material violation of any of the conditions, standards, or procedures set forth in this policy or the Local Plan
- Failed to meet generally accepted accounting principles, or engaged in fiscal mismanagement of special education funds
- Violated any provision of law applicable to the LEA relating to special education

The Superintendents' Council shall examine the pattern of conduct by the LEA in implementing special education laws. The decision to revoke may be based on the ability of the LEA to cure and correct violations and/or the LEA's ability to ensure ongoing, consistent compliance with all applicable special education laws.

Prior to revocation, the Superintendents' Council shall notify the LEA of any violation of this policy and give the LEA a reasonable opportunity to cure the violation, unless the Superintendents' Council determines, in writing, that the violation constitutes a severe and imminent threat to the health or safety of the pupils.

Upon revocation of membership, the LEA shall take immediate steps to comply with Education Code 56195.1 and any other requirements of the California Department of Education.